

HOUSE JOINT RESOLUTION 48
By Hargrove

A RESOLUTION to continue the special joint committee created by House Joint Resolution No. 503 of the Ninety-Ninth General Assembly to study the disposition of court records.

WHEREAS, this General Assembly recognizes that the courthouses of this state are being overwhelmed by the number of court records and the required storage space for such records, but also realizes the need to ensure that court records are not destroyed when a legitimate need for their retention exists; and

WHEREAS, in response to the many complex issues involved in the retention, disposition and storage of court records, the 99th General Assembly enacted House Joint Resolution No. 503, which created a special joint committee to study these very issues; and

WHEREAS, the special joint committee held its first meeting on September 13, 1996 in conjunction with the Tennessee Court Clerks' annual conference at Paris Landing State Park. The Committee organized and heard comments from the following clerks: Luther McKeehan, Circuit Court Clerk of Carter County; Reed Brewer, Clerk and Master of Henry County; Brenda Hyden, Juvenile Court Clerk of Williamson County; Kenny Norman, Juvenile Court Clerk of Davidson County; Martha Phillips, Criminal Court Clerk of Knox County; Marion Nuckolls, Clerk and Master of Hardeman County; John Robertson, Clerk and Master of Shelby County; Judy Medearis, Circuit Court Clerk of Hamilton County; and Janice Jordan, Clerk and Master of Williamson County; and

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WHEREAS, a subcommittee of the special joint committee then held a hearing in each grand division of the state; and

WHEREAS, On October 1, 1996, the subcommittee met in Nashville in conjunction with the Middle Tennessee Court Clerks Fall meeting. The subcommittee received comments from Barbara Spann, General Sessions Court Clerk of Dickson County; Jimmy Martin, Circuit Court Clerk of Wilson County; Kenny Norman, Juvenile Court Clerk of Davidson County; Cheryl Castle, Circuit Court Clerk of Montgomery County; and Tommy Higdon, Clerk and Master of Marshall County; among others. The subcommittee also heard from Steve Walker from the University of Tennessee County Technical Advisory Service (C-TAS) on that organization's plans to revise the retention schedules for county records; and

WHEREAS, The subcommittee's second hearing was held in Memphis on October 4, 1996 in conjunction with a meeting of the Tennessee Bar Association's Board of Governors. The subcommittee began by hearing from Mark Stephens, President of the District Public Defenders Conference and Public Defender of the 6th Judicial District. The subcommittee also heard testimony from Mr. Bob Udehlson, Attorney with Glankler Brown, on converting court records to letter size paper in Tennessee. In addition, the subcommittee heard testimony from Van Sturdivant, Chief Administrative Officer for Jimmy Moore, Circuit Court Clerk of Shelby County. David Connor with CTAS explained that organization's role in developing the retention schedules for county court records; and

WHEREAS, The subcommittee's third hearing was held in Knoxville on October 23, 1996 in conjunction with the District Attorneys General training conference. The subcommittee heard testimony from Fred O'Hara, Consultant in Technical Communication, on considerations for the long-term storage of county records. The subcommittee also heard testimony from Doris Martinson, Head of the Knox County archives, on the storage of records. The subcommittee also heard from Laura Schaad, chief deputy clerk for the Knox County General Sessions Court, among others; and

WHEREAS, while the special joint committee has worked assiduously to address the problems associated with the retention, disposition and storage of court records, the November 1996 general election brought about the retirement of two (2) of the special joint committee's legislative members before the work of the committee could be completed; and

WHEREAS, because court records are vitally important to numerous Tennesseans, it is imperative that the mandate of the special joint committee should be continued; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the special joint committee created by House Joint Resolution No. 503 of the Ninety-Ninth General Assembly to study the retention, disposition and storage of court records is hereby continued until April 15, 1997.

BE IT FURTHER RESOLVED, That the membership of the special joint committee shall remain as constituted; provided, legislative members shall be duly elected members of the General Assembly in order to remain a member of the committee. Vacancies shall be filled in accordance with the original appointing authority pursuant to House Joint Resolution No. 503 of the 99th General Assembly.

BE IT FURTHER RESOLVED, That the special joint committee shall be convened by the ranking officer who is a duly elected member of the General Assembly, and at its first meeting shall elect a chair, vice-chair and such other officers as the committee deems necessary from among its legislative members.

BE IT FURTHER RESOLVED, That the non-legislative members of the special joint committee shall serve without compensation.

BE IT FURTHER RESOLVED, That the special joint committee shall report its findings and recommendations, including any proposed legislation, to the One-Hundredth General Assembly no later than April 15, 1997, at which time the committee shall cease to exist.